

Section-by-section comparison between the two Bills:	<u>2020 BILL</u>	<u>2014 BILL</u>
Schedule 1	<p><b>1 Section 66 5</b>  Before: 6  An assessment may be done using: 7  insert: 8  However, an action may not be referred if: 9  (a) the action is approved under a bilateral agreement with 10 the Commonwealth and a State or self-governing 11 Territory; or 12  (b) the action is being, or is to be, assessed under such a 13 bilateral agreement and a decision has not yet been made 14 about whether the action is approved in accordance with 15 the agreement.</p>	<p><b>1 Section 66 5</b>  Before: 6  An assessment may be done using: 7  insert: 8  However, an action may not be referred if: 9  (a) the action is approved under a bilateral agreement with 10 the Commonwealth and a State or self-governing 11 Territory; or 12  (b) the action is being, or is to be, assessed under such a 13 bilateral agreement and a decision has not yet been made 14 about whether the action is approved in accordance with 15 the agreement.</p>
	<p><b>2 Before Division 1 of Part 7 17</b>  Insert: 18  <b>Division 1—Application of this Part 19</b>  <b>66A This Part does not apply if action covered by bilateral 20 agreement 21</b>  <i>Action approved by State or Territory 22</i>  (1) This Part does not apply in relation to an action if: 23  (a) the action is to be taken in a State or self-governing Territory; 24 and 25  (b) the action is one of a class of actions declared by a bilateral 26 agreement between the Commonwealth and the State or self-governing Territory not to require approval under Part 9 1 for the purposes of a specified provision of Part 3; and 2  (c) the action is approved in accordance with a management 3 arrangement or authorisation process that is a bilaterally 4 accredited management arrangement or a bilaterally 5 accredited authorisation process for the purposes of the 6 bilateral agreement; and 7  (d) the provision of the bilateral agreement making the 8 declaration is in operation in relation to the action. 9  Note: This subsection also applies to actions to be taken in an area offshore 10 from a State or the Northern Territory. See section 157. 11  <i>Action being, or to be, assessed by State or Territory 12</i>  (2) This Part also does not apply in relation to an action if: 13  (a) the action is to be taken in a State or self-governing Territory; 14 and 15  (b) there is a bilateral agreement between the Commonwealth 16 and the State or self-governing Territory declaring actions in 17 a class of actions specified in the agreement as not requiring 18 approval under Part 9 for the purposes of a specified 19 provision of Part 3; and 20  (c) the action is being, or is to be, assessed under relevant State 21 or Territory laws so that the taking of the action will be in a 22 class of actions that may be approved in</p>	<p><b>2 Before Division 1 of Part 7 17</b>  Insert:  <b>Division 1—Application of this Part 19</b>  <b>66A This Part does not apply if action covered by bilateral 20 agreement 21</b>  <i>Action approved by State or Territory 22</i>  (1) This Part does not apply in relation to an action if: 23  (a) the action is to be taken in a State or self-governing Territory; 24 and 25  (b) the action is one of a class of actions declared by a bilateral 26 agreement between the Commonwealth and the State or self-governing Territory not to require approval under Part 9 1 for the purposes of a specified provision of Part 3; and 2  (c) the action is approved in accordance with a management 3 arrangement or authorisation process that is a bilaterally 4 accredited management arrangement or a bilaterally 5 accredited authorisation process for the purposes of the 6 bilateral agreement; and 7  (d) the provision of the bilateral agreement making the 8 declaration is in operation in relation to the action. 9  Note: Subsection (1) also applies to actions to be taken in an area offshore 10 from a State or the Northern Territory. See section 157. 11  <i>Action being, or to be, assessed by State or Territory 12</i>  (2) This Part also does not apply in relation to an action if: 13  (a) the action is to be taken in a State or self-governing Territory; 14 and 15  (b) there is a bilateral agreement between the Commonwealth 16 and the State or self-governing Territory declaring actions in 17 a class of actions specified in the agreement as not requiring 18 approval under Part 9 for the purposes of a specified 19 provision of Part 3; and 20  (c) the action is being, or is to be, assessed under relevant State 21 or Territory laws so that the taking of the action will be in a 22 class of actions that may be approved in accordance with a 23 bilaterally accredited management arrangement or</p>

	<p>accordance with a 23 bilaterally accredited management arrangement or a 24 bilaterally accredited authorisation process for the purposes 25 of the bilateral agreement; and 26 (d) a decision has not been made about whether the action is 27 approved in accordance with the bilaterally accredited 28 management arrangement or bilaterally accredited 29 authorisation process for the purposes of the bilateral 30 agreement. 31</p> <p>Note: This subsection also applies to actions to be taken in an area offshore 32 from a State or the Northern Territory. See section 157. 33</p> <p><i>Effect of suspended bilateral agreement 34</i></p> <p>(3) To avoid doubt, subsection (2) is not satisfied at a particular time 35 if, at that time:</p> <p>(a) the effect of the relevant bilateral agreement is suspended 1 generally; or 2</p> <p>(b) the effect of the relevant bilateral agreement is suspended in 3 relation to actions in a specified class and the action 4 mentioned in paragraph (2)(a) is in the specified class. 5</p> <p>Note: Suspension of the effect of an agreement may not occur even if notice 6 of suspension has been given, see subsection 62(3). 7</p> <p><i>Actions to be taken in 2 or more States or Territories 8</i></p> <p>(4) If the action is to be taken in 2 or more States or self-governing 9 Territories, this section does not operate unless it operates in 10 relation to each of those States or Territories.</p>	<p>a 24 bilaterally accredited authorisation process for the purposes 25 of the agreement; and 26</p> <p>(d) a decision has not been made about whether the action is 27 approved in accordance with the bilaterally accredited 28 management arrangement or bilaterally accredited 29 authorisation process for the purposes of the agreement. 30</p> <p>Note: Subsection (2) also applies to actions to be taken in an area offshore 31 from a State or the Northern Territory. See section 157. 32</p> <p><i>Effect of suspended bilateral agreement 33</i></p> <p>(3) To avoid doubt, subsection (2) is not satisfied at a particular time 34 if, at that time:</p> <p>a) the effect of the relevant bilateral agreement is suspended 1 generally; or 2</p> <p>(b) the effect of the relevant bilateral agreement is suspended in 3 relation to actions in a specified class and the action 4 mentioned in paragraph (2)(a) is in the specified class. 5</p> <p>Note: Suspension of the effect of an agreement may not occur even if notice 6 of suspension has been given, see subsection 62(3). 7</p> <p><i>Actions to be taken in 2 or more States or Territories 8</i></p> <p>(4) If the action is to be taken in 2 or more States or self-governing 9 Territories, this section does not operate unless it operates in 10 relation to each of those States or Territories.</p>
	<p><b>3 Division 1 of Part 7 (heading) 12</b>  <b>Repeal the heading, substitute: 13</b>  <b>Division 1A—Referral of proposals to take action</b></p>	<p><b>3 Division 1 of Part 7 (heading) 12</b>  Repeal the heading, substitute: 13  <b>Division 1A—Referral of proposals to take action</b></p>
	<p><b>4 Paragraph 74AA(1)(e) 15</b>  Omit “Division 1A”, substitute “Division 1B”.</p>	<p><b>4 Paragraph 74AA(1)(e) 15</b>  Omit “Division 1A”, substitute “Division 1B”.</p>
	<p><b>5 Division 1A of Part 7 (heading) 17</b>  Repeal the heading, substitute: 18  <b>Division 1B—Decision that action is clearly unacceptable</b></p>	<p><b>5 Division 1A of Part 7 (heading) 17</b>  Repeal the heading, substitute: 18  <b>Division 1B—Decision that action is clearly unacceptable</b></p>
	<p><b>6 Paragraph 74C(3)(b) 20</b>  Omit “Division 1”, substitute “Division 1A”.</p>	<p><b>6 Paragraph 74C(3)(b) 20</b>  Omit “Division 1”, substitute “Division 1A”.</p>
	<p><b>7 Paragraph 77A(1A)(b) 22</b>  Omit “relates; or”, substitute “relates.”.</p>	<p><b>7 Paragraph 77A(1A)(b) 22</b>  Omit “relates; or”, substitute “relates.”.</p>

	<p><b>8 Paragraph 77A(1A)(c) 24</b> Repeal the paragraph.</p>	<p><b>8 Paragraph 77A(1A)(c) 24</b> Repeal the paragraph.</p>
	<p><b>9 Paragraph 78(1)(ba) 26</b> Repeal the paragraph.</p>	<p><b>9 Paragraph 78(1)(ba) 26</b> Repeal the paragraph.</p>
	<p><b>10 Paragraphs 156A(1)(a), 156F(1)(a) and 170A(b) 1</b> Omit “Division 1”, substitute “Division 1A”.</p>	<p><b>10 Paragraphs 156A(1)(a), 156F(1)(a) and 170A(b) 1</b> Omit “Division 1”, substitute “Division 1A”.</p>
	<p><b>11 Subsections 200(3), 215(3), 237(3) and 257(3) (notes) 3</b> Omit “Division 1”, substitute “Division 1A”.</p>	<p><b>11 Subsections 200(3), 215(3), 237(3) and 257(3) (notes) 3</b> Omit “Division 1”, substitute “Division 1A”.</p>
	<p><b>12 Application 5</b> (1) The amendments made by this Schedule apply in relation to a referral of 6 a proposal to take an action under section 68 of the <i>Environment 7 Protection and Biodiversity Conservation Act 1999</i>, whether made 8 before, on or after the day this item commences. 9 (2) Despite subitem (1), the Minister may determine, in writing, that the 10 amendments made by this Schedule do not apply in relation to a referral 11 of a proposal to take an action under section 68 of the <i>Environment 12 Protection and Biodiversity Conservation Act 1999</i> made before the day 13 this item commences. 14 (3) A determination made under subitem (2) is not a legislative instrument.</p>	<p><b>12 Application 5</b> (1) The amendments made by this Schedule apply in relation to a referral of 6 a proposal to take an action under section 68 of the <i>Environment 7 Protection and Biodiversity Conservation Act 1999</i>, whether made 8 before, on or after the day this item commences. 9 (2) Despite subitem (1), the Minister may determine, in writing, that the 10 amendments made by this Schedule do not apply in relation to a referral 11 of a proposal to take an action under section 68 of the <i>Environment 12 Protection and Biodiversity Conservation Act 1999</i> made before the day 13 this item commences. 14 (3) A determination made under subitem (2) is not a legislative instrument.</p>
Schedule 2	<p><b>1 Section 66 6</b> After: 7 (b) how to assess the impacts of the action to be able to 8 make an informed decision whether or not to approve 9 the action. 10 insert: 11 A proposal to take an action is taken to be referred if a declaration 12 is made under a bilateral agreement by the Environment Minister 13 or the appropriate Minister of a State or Territory that a specified 14 action is excluded from coming within the class of actions 15 specified in the agreement for the purpose of subsection 46(1).</p>	<p><b>1 Section 66 6</b> After: 7 (b) how to assess the impacts of the action to be able to 8 make an informed decision whether or not to approve 9 the action. 10 insert: 11 A proposal to take an action is taken to be referred if a declaration 12 is made under a bilateral agreement by the Environment Minister 13 or the appropriate Minister of a State or Territory that an action in 14 a class of actions specified in the agreement is no longer an action 15 covered by the agreement.</p>
	<p><b>2 Subsection 68A(3) 17</b> After “refers”, insert “, or is taken to have referred.”.</p>	<p><b>2 Subsection 68A(3) 17</b> After “refers”, insert “, or is taken to have referred.”.</p>
	<p><b>3 After section 69 19</b> Insert:</p>	<p><b>3 After section 69 19</b> Insert:</p>

69A Deemed referral of proposal if declaration made under bilateral <sup>21</sup> agreement—general rule <sup>22</sup>

(1) This section applies if, under a bilateral agreement that includes a <sup>23</sup> declaration described in section 46 (the *section 46 declaration*), the <sup>24</sup> Environment Minister or the appropriate Minister of a State or <sup>25</sup> Territory makes a declaration (the *exclusion declaration*) that a <sup>26</sup> specified action is excluded from coming within the class of <sup>27</sup> actions specified in the section 46 declaration.

(2) The person proposing to take the action is taken to have referred <sup>1</sup> the proposal to the Minister under subsection 68(1) at the time the <sup>2</sup> exclusion declaration is made. <sup>3</sup>

Note: See also section 69B. <sup>4</sup>

(3) Subsection (2) is subject to paragraph 68A(3)(a). <sup>5</sup>

(4) Subsection 68(3) and section 72 do not apply to a referral covered <sup>6</sup> by subsection (2) of this section. <sup>7</sup>

69B Deemed referral of proposal if declaration made under bilateral <sup>8</sup> agreement—modified application of section 74 <sup>9</sup>

For the purposes of a referral covered by subsection 69A(2), <sup>10</sup> section 74 applies to the referral and has effect as if: <sup>11</sup>

(a) the references to “must” in subsections 74(1) and (2) were <sup>12</sup> read as references to “may” instead; and <sup>13</sup>

(b) subsection 74(3) were replaced by the following subsection: <sup>14</sup>

*Inviting public comment 15*

(3) As soon as practicable after receiving a referral of a proposal to <sup>16</sup> take an action, the Environment Minister: <sup>17</sup>

(a) must cause to be published on the internet the declaration <sup>18</sup> concerned; and <sup>19</sup>

(b) may cause to be published on the internet an invitation for <sup>20</sup> anyone to give the Minister comments within <sup>10</sup> business <sup>21</sup> days (measured in Canberra) on whether the action is a <sup>22</sup> controlled action. <sup>23</sup>

Note: If the action is also the subject of a permit application under <sup>24</sup> section 200, 215, 237 or 257 and the application is made at or around <sup>25</sup> the same time as a referral is taken to have been made under <sup>26</sup> subsection 69A(2), the referral and invitation for comments that must <sup>27</sup> be published under this subsection may be published together with the <sup>28</sup> application and invitation for comments that must be published under <sup>29</sup> section 200, 215, 237 or 257.

**69A Deemed referral of proposal if declaration made under bilateral <sup>21</sup> agreement <sup>22</sup>**

(1) This section applies if a declaration is made under a bilateral <sup>23</sup> agreement by the Environment Minister or the appropriate Minister <sup>24</sup> of a State or Territory that an action in a class of actions specified <sup>25</sup> in the agreement is no longer an action covered by the agreement. <sup>26</sup>

(2) The person proposing to take the action is taken to have referred <sup>27</sup> the proposal to the Minister under subsection 68(1) at the time the <sup>28</sup> declaration is made.

(3) Subsection (2) is subject to paragraph 68A(3)(a). <sup>1</sup>

(4) Subsection 68(3) and <sup>72</sup> do not apply to a referral covered by <sup>2</sup> subsection (2). <sup>3</sup>

(5) Subsection 74 applies to a referral covered by subsection (2) of this <sup>4</sup> section as if: <sup>5</sup>

(a) the reference in subsections 74(1) and (2) to “must” referred <sup>6</sup> to “may” instead; and <sup>7</sup>

(b) subsection 74(3) were omitted and the following subsection <sup>8</sup> substituted: <sup>9</sup>

*“Inviting public comment 10*

(3) As soon as practicable after receiving a referral of a proposal to <sup>11</sup> take an action, the Environment Minister: <sup>12</sup>

(a) must cause to be published on the internet the declaration <sup>13</sup> concerned; and <sup>14</sup>

(b) may cause to be published on the internet an invitation for <sup>15</sup> anyone to give the Minister comments within <sup>10</sup> business <sup>16</sup> days (measured in Canberra) on whether the action is a <sup>17</sup> controlled action. <sup>18</sup>

Note: If the action is also the subject of a permit application under <sup>19</sup> section 200, 215, 237 or 257 and the application is made at or around <sup>20</sup> the same time as a referral is taken to have been made under <sup>21</sup> subsection (2), the referral and invitation for comments that must be <sup>22</sup> published under this subsection may be published together with the <sup>23</sup> application and invitation for comments that must be published under <sup>24</sup> section 200, 215, 237 or 257.”.

**4 Subparagraph 74AA(1)(b)(i) 31**  
After “has been”, insert “, or is taken to have been,”.

**4 Subparagraph 74AA(1)(b)(i) 26**  
After “has been”, insert “, or is taken to have been,”.

**5 Section 85 1**  
After: <sup>2</sup>  
(e) a public inquiry. <sup>3</sup>  
insert: <sup>4</sup>  
Alternatively, the Minister may declare that an assessment <sup>5</sup> completed or to be completed by a State or Territory in accordance <sup>6</sup> with a bilateral agreement is an assessment of the relevant impacts <sup>7</sup> of an action for the purposes of this Part. <sup>8</sup>  
If a State or Territory has partially completed an assessment of the <sup>9</sup> relevant impacts of an action, the Minister may

**5 Section 85 28**  
After: <sup>29</sup>  
(e) a public inquiry. <sup>30</sup>  
insert:  
Alternatively, the Minister may declare that an assessment <sup>1</sup> completed or to be completed by a State or Territory in accordance <sup>2</sup> with a bilateral agreement is an assessment of the relevant impacts <sup>3</sup> of an action for the purposes of this Part. <sup>4</sup>  
If a State or Territory has partially completed an assessment of the <sup>5</sup> relevant impacts of an action, the Minister may determine

	determine that 10 steps of the State or Territory assessment process are to be used for 11 the purposes of assessing the relevant impacts of the action and the 12 remaining steps are to be carried out under an assessment approach 13 set out in this Part.	that 6 steps of the State or Territory assessment process are to be used for 7 the purposes of assessing the relevant impacts of the action and the 8 remaining steps are to be carried out under an assessment approach 9 set out in this Part.
	<p><b>6 After paragraph 87(3)(c) 15</b>  Insert: 16  (ca) if: 17  (i) subsection 69A(2) applies in respect of the action; or 18  (ii) the effect of a bilateral agreement that includes a 19 declaration described in section 46 or 47 is suspended or 20 cancelled, and the action would be in a class of actions 21 specified in the declaration if the agreement were still in 22 effect and the action had been approved or assessed as 23 specified in the declaration; 24  and a State or Territory has partially completed an 25 assessment of the relevant impacts of the action—the extent 26 to which the partially completed assessment can be used, and 27 the assessment completed, under an approach for assessment 28 set out in this Part; and</p>	<p><b>6 After paragraph 87(3)(c) 11</b>  Insert: 12  (ca) if: 13  (i) subsection 69A(2) applies in respect of the action; or 14  (ii) the action is in a class of actions covered by a bilateral 15 agreement and the effect of the agreement is suspended 16 or cancelled; 17  and a State or Territory has partially completed an 18 assessment of the relevant impacts of the action—the extent 19 to which the partially completed assessment can be used, and 20 the assessment completed, under an approach for assessment 21 set out in this Part; and</p>
	<p><b>7 Paragraph 87(4)(a) 30</b>  Omit “is to be”, substitute “has been, is being, or is to be,”.</p>	<p><b>7 Paragraph 87(4)(a) 23</b>  Omit “is to be”, substitute “has been, is being, or is to be,”.</p>
	<p><b>8 Paragraph 87(4)(c) 1</b>  Repeal the paragraph, substitute: 2  (c) there has been or will be an adequate assessment of the 3 relevant impacts of the action under the process; and</p>	<p><b>8 Paragraph 87(4)(c) 25</b>  Repeal the paragraph, substitute: 26  (c) there has been or will be an adequate assessment of the 27 relevant impacts of the action under the process; and</p>
	<p><b>9 At the end of section 87 5</b>  Add: 6  <i>Completing assessment begun by a State or Territory 7</i>  (7) If: 8  (a) a State or Territory has partially completed an assessment of 9 the relevant impacts of an action; and 10  (b) the Minister decides to complete the assessment under an 11 approach set out in this Part; 12  the Minister must determine, in writing: 13  (c) which steps of the State or Territory assessment process are 14 to be used for the purposes of assessing the relevant impacts 15 of the action; and 16  (d) the remaining steps to be carried out under the assessment 17 approach chosen to complete the assessment. 18  (8) A determination under subsection (7) is not a legislative 19 instrument.</p>	<p><b>9 At the end of section 87 29</b>  Add:  <i>Completing assessment begun by a State or Territory 1</i>  (7) If: 2  (a) a State or Territory has partially completed an assessment of 3 the relevant impacts of an action; and 4  (b) the Minister decides to complete the assessment under an 5 approach set out in this Part; 6  the Minister must determine, in writing: 7  (c) which steps of the State or Territory assessment process are 8 to be used for the purposes of assessing the relevant impacts 9 of the action; and 10  (d) the remaining steps to be carried out under the assessment 11 approach chosen to complete the assessment. 12  (8) A determination under subsection (7) is not a legislative 13 instrument.</p>
	<p><b>10 After section 87 21</b>  Insert: 22</p>	<p><b>10 After section 87 15</b>  Insert:</p>

	<p><b>87A Assessment by State or Territory may be used if declaration<sup>23</sup> made under bilateral agreement<sup>24</sup></b></p> <p>(1) Despite section 87, if: 25</p> <p>(a) subsection 69A(2) applies in respect of an action; and 26</p> <p>(b) the Minister has made a decision under section 75 that the<sup>27</sup> action is a controlled action; and 28</p> <p>(c) an assessment of the relevant impacts of the action has been<sup>29</sup> made by a State or Territory under a bilateral agreement; 30</p> <p>the Minister may determine, in writing, that the assessment by the<sup>31</sup> State or Territory is an assessment for the purposes of this Part.</p> <p>(2) To avoid doubt, the assessment of the relevant impacts of the<sup>1</sup> action by the State or Territory may be completed before or after<sup>2</sup> the declaration mentioned in subsection 69A(2) relating to the<sup>3</sup> action is made. 4</p> <p>(3) A determination made under subsection (1) is not a legislative<sup>5</sup> instrument. 6</p> <p><b>87B Assessment by State or Territory may be used if bilateral<sup>7</sup> agreement cancelled<sup>8</sup></b></p> <p>(1) Despite section 87, if: 9</p> <p>(a) an assessment of the relevant impacts of an action has been<sup>10</sup> made by a State or Territory under a bilateral agreement that<sup>11</sup> includes a declaration described in section 46; and 12</p> <p>(b) the effect of the bilateral agreement is suspended or<sup>13</sup> cancelled; and 14</p> <p>(c) at the time of the suspension or cancellation, the action has<sup>15</sup> not been approved; 16</p> <p>the Minister may determine, in writing, that the assessment by the<sup>17</sup> State or Territory is an assessment for the purposes of this Part. 18</p> <p>(2) A determination made under subsection (1) is not a legislative<sup>19</sup> instrument.</p>	<p><b>87A Assessment by State or Territory may be used if declaration<sup>17</sup> made under bilateral agreement<sup>18</sup></b></p> <p>(1) Despite section 87, if: 19</p> <p>(a) subsection 69A(2) applies in respect of an action; and 20</p> <p>(b) the Minister has made a decision under section 75 that the<sup>21</sup> action is a controlled action; and 22</p> <p>(c) an assessment of the relevant impacts of the action has been<sup>23</sup> made by a State or Territory under a bilateral agreement; 24</p> <p>the Minister may determine, in writing, that the assessment by the<sup>25</sup> State or Territory is an assessment for the purposes of this Part. 26</p> <p>(2) To avoid doubt, the assessment of the relevant impacts of the<sup>27</sup> action by the State or Territory may be completed before or after<sup>28</sup> the declaration mentioned in subsection 69A(2) relating to the<sup>29</sup> action is made. 30</p> <p>(3) A determination made under subsection (1) is not a legislative<sup>31</sup> instrument.</p> <p><b>87B Assessment by State or Territory may be used if bilateral<sup>1</sup> agreement cancelled<sup>2</sup></b></p> <p>(1) Despite section 87, if: 3</p> <p>(a) an assessment of the relevant impacts of an action has been<sup>4</sup> made by a State or Territory under a bilateral agreement that<sup>5</sup> includes a declaration described in section 46; and 6</p> <p>(b) the effect of the bilateral agreement is suspended or<sup>7</sup> cancelled; and 8</p> <p>(c) at the time of the suspension or cancellation, the action has<sup>9</sup> not been approved; 10</p> <p>the Minister may determine, in writing, that the assessment by the<sup>11</sup> State or Territory is an assessment for the purposes of this Part. 12</p> <p>(2) A determination made under subsection (1) is not a legislative<sup>13</sup> instrument.</p>
	<p><b>11 At the end of section 91 21</b></p> <p>Add: 22</p> <p>(3) If, under subsection 87(7), the Minister has determined that: 23</p> <p>(a) steps of a State or Territory assessment process are to be used<sup>24</sup> for the purposes of assessing the relevant impacts of the<sup>25</sup> action; and 26</p> <p>(b) remaining steps are to be carried out under an assessment<sup>27</sup> approach set out in this Part; 28</p> <p>the written notice and the published notice must specify which<sup>29</sup> steps of the State or Territory assessment process are to</p>	<p><b>11 At the end of section 91 15</b></p> <p>Add: 16</p> <p>(3) If, under subsection 87(7), the Minister has determined that: 17</p> <p>(a) steps of a State or Territory assessment process are to be used<sup>18</sup> for the purposes of assessing the relevant impacts of the<sup>19</sup> action; and 20</p> <p>(b) remaining steps are to be carried out under an assessment<sup>21</sup> approach set out in this Part; 22</p> <p>the written notice and the published notice must specify which<sup>23</sup> steps of the State or Territory assessment process are to be used<sup>24</sup> and which steps are to be carried out under this Part.</p>
	<p><b>12 After paragraph 130(1B)(a) 32</b></p> <p>Insert:</p> <p>(aa) despite paragraph (a), if the action is the subject of an<sup>1</sup> assessment report and a determination has been made under<sup>2</sup> section 87A or 87B in respect of the action—the period of 40<sup>3</sup> business days beginning on the first business</p>	<p><b>12 After paragraph 130(1B)(a) 26</b></p> <p>Insert: 27</p> <p>(aa) despite paragraph (a), if the action is the subject of an<sup>28</sup> assessment report and a determination has been made under<sup>29</sup> section 87A or 87B in respect of the action—the period of 40<sup>30</sup> business days beginning on the first business</p>

	day after the 4 determination is made under the relevant section;	day after the 31 determination is made under the relevant section;
	<p><b>13 Subsection 158A(1) (after paragraph (d) of the definition of 6 approval process decision) 7</b></p> <p>Insert: 8 (da) a decision under section 87A or 87B to make a determination 9 that an assessment of the relevant impacts of an action by a 10 State or Territory is an assessment for the purposes of Part 8;</p>	<p><b>13 Subsection 158A(1) (after paragraph (d) of the definition of 1 approval process decision) 2</b></p> <p>Insert: 3 (da) a decision to make a determination under section 87A or 87B 4 that an assessment of the relevant impacts of an action by a 5 State or Territory is an assessment for the purposes of Part 8;</p>
	<p><b>14 Paragraph 170C(1)(a) 12</b></p> <p>After “has”, insert “, or is taken to have,”.</p>	<p><b>14 Paragraph 170C(1)(a) 7</b></p> <p>After “has”, insert “, or is taken to have,”.</p>
	<p><b>15 Paragraph 303FRA(3)(a) 14</b></p> <p>Omit “and 84”, substitute “, 84, 87A and 87B”.</p>	<p><b>15 Paragraph 303FRA(3)(a) 9</b></p> <p>Omit “and 84”, substitute “, 84, 87A and 87B”.</p>
	<p><b>16 Section 528 16</b></p> <p>Insert: 17 <i>Environment Minister</i> means the Minister administering Chapter 2 18 of this Act.</p>	<p><b>16 Section 528 11</b></p> <p>Insert: 12 <i>Environment Minister</i> means the Minister administering Chapter 2 13 of this Act.</p>
	<p><b>17 Application 20</b></p> <p>The amendments made by this Schedule apply in relation to an action 21 that: 22 (a) has been assessed by a State or Territory before the day that 23 this item commences; or 24 (b) is being assessed by a State or Territory on that day; or 25 (c) will be assessed by a State or Territory on or after that day.</p>	<p><b>17 Application 15</b></p> <p>The amendments made by this Schedule apply in relation to an action 16 that: 17 (a) has been assessed by a State or Territory before the day that 18 this item commences; or 19 (b) is being assessed by a State or Territory on that day; or 20 (c) will be assessed by a State or Territory on or after that day.</p>
Schedule 3	<p><b>1 Subsection 29(1) 6</b></p> <p>Omit “, other than section 24D or 24E,”.</p>	<p><b>1 Subsection 29(1) 6</b></p> <p>Omit “, other than section 24D or 24E,”.</p>
	<p><b>2 Subsections 46(2) and (2A) 8</b></p> <p>Omit “, other than section 24D or 24E,”.</p>	<p><b>2 Subsections 46(2) and (2A) 8</b></p> <p>Omit “, other than section 24D or 24E,”.</p>
	<p><b>3 Subsection 48A(1) 10</b></p> <p>After “described in subsection (2) or (3)”, insert “, or referred to in 11 subsection (2A),”.</p>	<p><b>2A Subsection 48A(1) 10</b></p> <p>After “described in subsection (2) or (3)”, insert “, or referred to in 11 subsection (2A),”.</p>
	<p><b>4 Subsection 48A(1) 13</b></p>	<p><b>2B Subsection 48A(1) 13</b></p>

	After “subsection (2)” (second occurring), insert “, (2A)”.	After “subsection (2)” (second occurring), insert “, (2A)”.
	<p><b>5 After subsection 48A(2) 15</b></p> <p>Insert: 16</p> <p>(2A) A bilateral agreement including a declaration that is described in 17 section 46 and that covers an action described in section 24D or 18 24E must include the following undertakings by the State or 19 Territory: 20</p> <p>(a) that the appropriate State or Territory Minister will obtain the 21 advice of the Independent Expert Scientific Committee on 22 Coal Seam Gas and Large Coal Mining Development if the 23 taking of the action, or a class of actions that includes the 24 action, is likely to have a significant impact on water 25 resources, including any impacts of associated salt 26 production and/or salinity; 27</p> <p>(b) that, in deciding whether or not to approve the taking of the 28 action or a class of actions that includes the action, the decision maker will take into account any relevant advice 1 obtained from the Independent Expert Scientific Committee 2 on Coal Seam Gas and Large Coal Mining Development 3 under the agreement. 4</p> <p>(2B) To avoid doubt, the fact that a bilateral agreement contains the 5 undertakings mentioned in subsection (2A) does not limit the 6 ability of the appropriate State or Territory Minister to request 7 advice from the Independent Expert Scientific Committee on Coal 8 Seam Gas and Large Coal Mining Development. 9</p> <p>Note: See subsection 505D(2).</p>	<p><b>2C After subsection 48A(2) 15</b></p> <p>Insert: 16</p> <p>(2A) A bilateral agreement including a declaration that is described in 17 section 46 and that covers an action described in section 24D or 18 24E must include the following undertakings by the State or 19 Territory: 20</p> <p>(a) that the appropriate State or Territory Minister will obtain the 21 advice of the Independent Expert Scientific Committee on 22 Coal Seam Gas and Large Coal Mining Development if the 23 taking of the action, or a class of actions that includes the 24 action, is likely to have a significant impact on water 25 resources, including any impacts of associated salt 26 production and/or salinity; 27</p> <p>(b) that, in deciding whether or not to approve the taking of the 28 action or a class of actions that includes the action, the decision maker will take into account any relevant advice 1 obtained from the Independent Expert Scientific Committee 2 on Coal Seam Gas and Large Coal Mining Development 3 under the agreement. 4</p> <p>(2B) To avoid doubt, the fact that a bilateral agreement contains the 5 undertakings mentioned in subsection (2A) does not limit the 6 ability of the appropriate State or Territory Minister to request 7 advice from the Independent Expert Scientific Committee on Coal 8 Seam Gas and Large Coal Mining Development. 9</p> <p>Note: See subsection 505D(2).</p>
	<p><b>6 After paragraph 505D(1)(b) 11</b></p> <p>Insert: 12</p> <p>(ba) at the request of the Environment Minister—to provide 13 advice to the Environment Minister about the operation of a 14 bilateral agreement including a declaration that: 15</p> <p>(i) is described in section 46 or 47; and 16</p> <p>(ii) covers an action described in section 24D or 24E;</p>	<p><b>2D After paragraph 505D(1)(b) 11</b></p> <p>Insert: 12</p> <p>(ba) at the request of the Environment Minister—to provide 13 advice to the Environment Minister about the operation of a 14 bilateral agreement including a declaration that: 15</p> <p>(i) is described in section 46 or 47; and 16</p> <p>(ii) covers an action described in section 24D or 24E;</p>
		<p><b>3 Subsection 505E(1) 18</b></p> <p>Omit “(1)”.</p>
		<p><b>4 Subsection 505E(2) 20</b></p> <p>Repeal the subsection.</p>
	<p><b>7 Application 18</b></p> <p>(1) The amendments made by items 1 and 2 of this Part apply in relation to 19 a referral of a proposal to take an action under section 68 of the 20 <i>Environment Protection and Biodiversity Conservation Act 1999</i>, 21 whether made before, on or after the day this item commences. 22</p> <p>(2) The amendments made by items 3, 4 and 5 of this Part apply in relation 23 to an action that is approved in accordance with a management 24 arrangement or authorisation process that is a bilaterally</p>	<p><b>5 Application 22</b></p> <p>(1) The amendments made by items 1 and 2 of this Part apply in relation to 23 a referral of a proposal to take an action under section 68 of the 24 <i>Environment Protection and Biodiversity Conservation Act 1999</i>, 25 whether made before, on or after the day this item commences. 26</p> <p>(2) The amendments made by items 2A, 2B and 2C of this Part apply in 27 relation to an action that is approved in accordance with a management 28 arrangement or authorisation process that is a bilaterally accredited 29 management arrangement or</p>



	<p>accredited <sup>25</sup> management arrangement or bilaterally accredited authorisation process <sup>26</sup> for the purposes of a bilateral agreement on or after the day this item <sup>27</sup> commences, regardless of when the agreement is entered into.</p>	<p>bilaterally accredited authorisation process <sup>30</sup> for the purposes of a bilateral agreement on or after the day this item <sup>31</sup> commences, regardless of when the agreement is entered into.</p>
	<p><b>8 Subparagraph 29(1)(d)(ii) 5</b> Omit “in a law of the State or Territory”, substitute “, wholly or partly, <sup>6</sup> in a law of the State or Territory or an instrument made under such a <sup>7</sup> law, or is made, wholly or partly, under such a law”.</p>	<p><b>6 Subparagraph 29(1)(d)(ii) 5</b> Omit “in a law of the State or Territory”, substitute “, wholly or partly, <sup>6</sup> in a law of the State or Territory or an instrument made under such a <sup>7</sup> law, or is made, wholly or partly, under such a law”.</p>
	<p><b>9 Subparagraph 31(f)(ii) 9</b> Omit “in a law of the State or self-governing Territory”, substitute “, <sup>10</sup> wholly or partly, in a law of the State or self-governing Territory or an <sup>11</sup> instrument made under such a law, or is made, wholly or partly, under <sup>12</sup> such a law”.</p>	<p><b>7 Subparagraph 31(1)(f)(ii) 9</b> Omit “in a law of the State or self-governing Territory”, substitute “, <sup>10</sup> wholly or partly, in a law of the State or self-governing Territory or an <sup>11</sup> instrument made under such a law, or is made, wholly or partly, under <sup>12</sup> such a law”.</p>
	<p><b>10 Paragraph 46(2A)(a) 14</b> Omit “in a law of the State or Territory that is a party to the agreement”, <sup>15</sup> substitute “, wholly or partly, in a law of the State or Territory that is a <sup>16</sup> party to the agreement or an instrument made under such a law, or is <sup>17</sup> made, wholly or partly, under such a law”.</p>	<p><b>8 Paragraph 46(2A)(a) 14</b> Omit “in a law of the State or Territory that is a party to the agreement”, <sup>15</sup> substitute “, wholly or partly, in a law of the State or Territory that is a <sup>16</sup> party to the agreement or an instrument made under such a law, or is <sup>17</sup> made, wholly or partly, under such a law”.</p>
	<p><b>11 Paragraph 46(3)(a) 19</b> Repeal the paragraph, substitute: <sup>20</sup> (a) either: <sup>21</sup> (i) for a management arrangement—the management <sup>22</sup> arrangement, and the law under which it is in force, <sup>23</sup> meet the criteria (if any) prescribed by the regulations; <sup>24</sup> or <sup>25</sup> (ii) for an authorisation process—the authorisation process <sup>26</sup> meets meets the criteria (if any) prescribed by the regulations; <sup>27</sup> and</p>	
		<p><b>9 Section 528 (definition of <i>authorisation process</i>) <sup>19</sup></b> Repeal the definition, substitute: <sup>20</sup> <i>authorisation process</i> means a process: <sup>21</sup> (a) that is: <sup>22</sup> (i) set out, wholly or partly, in a law of the <sup>23</sup> Commonwealth, a State or Territory; or <sup>24</sup> (ii) set out, wholly or partly, in an instrument made under a <sup>25</sup> law of a State or Territory; or <sup>26</sup> (iii) made, wholly or partly, under a law of a State or <sup>27</sup> Territory; and <sup>28</sup> (b) under which actions are authorised.</p>
		<p><b>10 Application 1</b></p>

		The amendments made by this Part apply in relation to an action 2 assessed under a bilaterally accredited authorisation process on or after 3 the day this item commences.
	<p><b>12 Paragraph 46(4)(b) 29</b>  Repeal the paragraph, substitute:  (b) in the case of an authorisation process—each document (the 1 <i>authorisation process documents</i>) that comprises the whole 2 of the authorisation process (including any part of the process 3 that is not set out or made as mentioned in 4 paragraph (2A)(a));</p>	
	<p><b>13 Paragraphs 46(5)(a) and (5A)(a) 6</b>  Omit “authorisation process is”, substitute “authorisation process 7 documents are”.</p>	
	<p><b>14 Subsection 46(6) 9</b>  Omit “relevant part of the law has”, substitute “authorisation process 10 documents have”.</p>	
	<p><b>15 Subsection 46(7) 12</b>  Omit “relevant part of the law was”, substitute “authorisation process 13 documents were”.</p>	
	<p><b>16 Subsection 46(8) 15</b>  Omit “relevant part of the law is”, substitute “authorisation process 16 documents are”.</p>	
	<p><b>17 Section 528 (definition of <i>authorisation process</i>) 18</b>  Repeal the definition, substitute: 19  <i>authorisation process</i> means a process that provides for the 20 authorisation of actions and that: 21  (a) is set out in a law of the Commonwealth; or 22  (b) is: 23  (i) set out, wholly or partly, in a law of a State or Territory; 24 or 25  (ii) set out, wholly or partly, in an instrument made under a 26 law of a State or Territory; or 27  (iii) made, wholly or partly, under a law of a State or 28 Territory. 29  Note: To satisfy paragraph (b), it is sufficient if at least part of the process is 30 set out or made as mentioned in subparagraph (b)(i), (ii) or (iii). The 31 rest of the process may be in other documents.</p>	
	<p><b>18 Application 1</b></p>	

The amendments made by this Part apply in relation to an action 2 assessed under a bilaterally accredited authorisation process on or after 3 the day this item commences.

Schedule 4

**1 After section 46 6**

Insert: 7

**46A Minister may make determinations relating to minor 8 amendments of management arrangements or 9 authorisation processes 10**

(1) This section applies in respect of a bilateral agreement with a State 11 or self-governing Territory including a declaration described in 12 section 46 if a management arrangement or authorisation process 13 that is a bilaterally accredited management arrangement or a 14 bilaterally accredited authorisation process for the purposes of the 15 agreement is amended. 16

(2) Despite subsections 46(3) to (8), the Minister may determine, in 17 writing, that the management arrangement or authorisation process 18 as amended continues to be a bilaterally accredited management 19 arrangement or a bilaterally accredited authorisation process for the 20 purposes of the agreement without further accreditation if the 21 Minister is satisfied that: 22

(a) the amendment: 23

(i) will not have, or is not likely to have, a material adverse 24 impact on a matter protected by a provision of Part 3 in 25 relation to which the agreement makes a declaration; 26 and 27

(ii) would not be likely to have a material adverse effect on 28 a person's ability to participate in the process provided 29 for by the management arrangement or authorisation 30 process; and 31

(b) the following provisions would continue to be satisfied in 32 respect of the management arrangement or authorisation 33 process:

(i) paragraphs 46(3)(a) to (c); 1

(ii) subsections 46(9), 51(2), 51A(2), 52(2), 53(2) and 2 54(2); 3

(iii) section 55. 4

(3) If the Minister makes a determination under subsection (2), the 5 Minister must publish the determination as soon as practicable 6 after it is made. 7

(4) A determination under subsection (2) is not a legislative 8 instrument. 9

(5) In this section: 10

*amend* includes repeal and remake.

**46B Application of determinations made under section 46A 12**

(1) A determination made under section 46A applies in relation to an 13 action that is approved, because of a declaration in a bilateral 14 agreement, in accordance with an amended management 15 arrangement or authorisation process for the purposes of the 16 agreement, even if the action was approved before the day the 17 determination is made. 18

(2) For the purposes of subsection (1), it does not matter when the 19 bilateral agreement is entered into.

**1 After section 46 6**

Insert: 7

**46A Minister may make determinations relating to minor 8 amendments of management arrangements or 9 authorisation processes 10**

(1) This section applies in respect of a bilateral agreement with a State 11 or self-governing Territory including a declaration described in 12 section 46 if a management arrangement or authorisation process 13 that is a bilaterally accredited management arrangement or a 14 bilaterally accredited authorisation process for the purposes of the 15 agreement is amended. 16

(2) Despite subsections 46(3) to (8), the Minister may determine, in 17 writing, that the management arrangement or authorisation process 18 as amended continues to be a bilaterally accredited management 19 arrangement or a bilaterally accredited authorisation process for the 20 purposes of the agreement without further accreditation if the 21 Minister is satisfied that: 22

(a) the amendment: 23

(i) will not have, or is not likely to have, a material adverse 24 impact on a matter protected by a provision of Part 3 in 25 relation to which the agreement makes a declaration; 26 and 27

(ii) would not be likely to have a material adverse effect on 28 a person's ability to participate in the process provided 29 for by the management arrangement or authorisation 30 process; and 31

(b) the following provisions would continue to be satisfied in 32 respect of the management arrangement or authorisation 33 process:

(i) paragraphs 46(3)(a) to (c); 1

(ii) subsections 46(9), 51(2), 51A(2), 52(2), 53(2) and 2 54(2); 3

(iii) section 55. 4

(3) If the Minister makes a determination under subsection (2), the 5 Minister must publish the determination as soon as practicable 6 after it is made. 7

(4) A determination under subsection (2) is not a legislative 8 instrument. 9

(5) In this section: 10

*amend* includes repeal and remake. 11

**46B Application of determinations made under section 46A 12**

(1) A determination made under section 46A applies in relation to an 13 action that is approved, because of a declaration in a bilateral 14 agreement, in accordance with an amended management 15 arrangement or authorisation process for the purposes of the 16 agreement, even if the action was approved before the day the 17 determination is made. 18

(2) For the purposes of subsection (1), it does not matter when the 19 bilateral agreement is entered into.

	<p><b>2 After section 47 21</b>  Insert: 22  <b>47A Minister may make determinations relating to minor 23 amendments to the manner in which actions are assessed 24</b>  (1) This section applies in respect of a bilateral agreement with a State 25 or self-governing Territory including a declaration described in 26 section 47 if the specified manner in which actions are assessed for 27 the purposes of the agreement is amended. 28  (2) Despite subsections 47(2) to (4), the Minister may determine, in 29 writing, that the manner of assessing actions, as amended, continues to be a specified manner of assessment for the purposes 1 of the agreement if the Minister is satisfied that: 2  (a) the amendment: 3  (i) will not have, or is not likely to have, a material adverse 4 impact on the assessment of the impacts actions have, 5 will have or are likely to have on a matter protected by a 6 provision of Part 3 in relation to which the agreement 7 makes a declaration; and 8  (ii) would not be likely to have a material adverse effect on 9 a person’s ability to participate in the process for 10 assessment; and 11  (b) subsection 47(2) would continue to be satisfied in respect of 12 the amended manner of assessment. 13  (3) If the Minister makes a determination under subsection (2), the 14 Minister must publish the determination as soon as practicable 15 after it is made. 16  (4) A determination under subsection (2) is not a legislative 17 instrument. 18  (5) In this section: 19  <i>amend</i> includes repeal and remake.  <b>47B Application of determinations made under section 47A 21</b>  (1) A determination made under section 47A applies in relation to an 22 action that is assessed in accordance with an amended manner of 23 assessment, being a specified manner for the purposes of the 24 bilateral agreement, even if the action was assessed before the day 25 the determination is made. 26  (2) For the purposes of subsection (1), it does not matter when the 27 bilateral agreement is entered into.</p>	<p><b>2 After section 47 21</b>  Insert:  <b>47A Minister may make determinations relating to minor 23 amendments to the manner in which actions are assessed 24</b>  (1) This section applies in respect of a bilateral agreement with a State 25 or self-governing Territory including a declaration described in 26 section 47 if the specified manner in which actions are assessed for 27 the purposes of the agreement is amended. 28  (2) Despite subsections 47(2) to (4), the Minister may determine, in 29 writing, that the manner of assessing actions, as amended, continues to be a specified manner of assessment for the purposes 1 of the agreement if the Minister is satisfied that: 2  (a) the amendment: 3  (i) will not have, or is not likely to have, a material adverse 4 impact on the assessment of the impacts actions have, 5 will have or are likely to have on a matter protected by a 6 provision of Part 3 in relation to which the agreement 7 makes a declaration; and 8  (ii) would not be likely to have a material adverse effect on 9 a person’s ability to participate in the process for 10 assessment; and 11  (b) subsection 47(2) would continue to be satisfied in respect of 12 the amended manner of assessment. 13  (3) If the Minister makes a determination under subsection (2), the 14 Minister must publish the determination as soon as practicable 15 after it is made. 16  (4) A determination under subsection (2) is not a legislative 17 instrument. 18  (5) In this section: 19  <i>amend</i> includes repeal and remake. 20  <b>47B Application of determinations made under section 47A 21</b>  (1) A determination made under section 47A applies in relation to an 22 action that is assessed in accordance with an amended manner of 23 assessment, being a specified manner for the purposes of the 24 bilateral agreement, even if the action was assessed before the day 25 the determination is made. 26  (2) For the purposes of subsection (1), it does not matter when the 27 bilateral agreement is entered into.</p>
Schedule 5	<p><b>1 Subsection 46(1) 5</b>  Repeal the subsection, substitute: 6  <i>Declaration of actions not needing approval 7</i>  (1) A bilateral agreement may declare that actions in a class of actions 8 specified in the agreement wholly or partly by reference to the fact 9 that their taking has been approved in accordance with a 10 management arrangement or authorisation process, being a 11 bilaterally accredited management arrangement or a bilaterally 12 accredited authorisation process for the purposes of the</p>	<p><b>Subsection 46(1) 5</b>  Repeal the subsection, substitute: 6  <i>Declaration of actions not needing approval 7</i>  (1) A bilateral agreement may declare that actions in a class of actions 8 specified in the agreement wholly or partly by reference to the fact 9 that their taking has been approved in accordance with a 10 management arrangement or authorisation process, being a 11 bilaterally accredited management arrangement or a bilaterally 12 accredited authorisation process for the purposes of the agreement, 13 do not require approval</p>

	<p>agreement, 13 do not require approval under Part 9 for the purposes of a specified 14 provision of Part 3. 15</p> <p>Note: An action may be approved in accordance with a management 16 arrangement or authorisation process before the management 17 arrangement or authorisation process is accredited for the purposes of 18 an agreement with a State or self-governing Territory.</p>	<p>under Part 9 for the purposes of a specified 14 provision of Part 3. 15</p> <p>Note: An action may be approved in accordance with a management 16 arrangement or authorisation process before the management 17 arrangement or authorisation process is accredited for the purposes of 18 an agreement with a State or self-governing Territory.</p>
	<p><b>2 Subsection 46(3) 20</b> Omit “the Minister is satisfied that”.</p>	<p><b>2 Subsection 46(3) 20</b> Omit “the Minister is satisfied that”.</p>
	<p><b>3 Paragraph 46(3)(a) 22</b> Before “the management arrangement”, insert “the Minister is satisfied 23 that”.</p>	<p><b>3 Paragraph 46(3)(a) 22</b> Before “the management arrangement”, insert “the Minister is satisfied 23 that”.</p>
	<p><b>4 Paragraph 46(3)(b) 25</b> Before “there has been”, insert “the Minister is satisfied that”.</p>	<p><b>4 Paragraph 46(3)(b) 25</b> Before “there has been”, insert “the Minister is satisfied that”.</p>
	<p><b>5 Paragraph 46(3)(c) 27</b> Before “actions approved”, insert “the Minister is satisfied that”.</p>	<p><b>5 Paragraph 46(3)(c) 27</b> Before “actions approved”, insert “the Minister is satisfied that”.</p>
	<p><b>6 After paragraph 46(3)(c) 29</b> Insert: ; and (d) the Minister has considered any other matter that the Minister 1 considers relevant.</p>	<p><b>6 After paragraph 46(3)(c) 29</b> Insert: ; and (d) the Minister has considered any other matter that the Minister 1 considers relevant.</p>
	<p><b>7 Subsection 46(3) (note) 3</b> Omit “Note”, substitute “Note 1”.</p>	<p><b>7 Subsection 46(3) (note) 3</b> Omit “Note”, substitute “Note 1”.</p>
	<p><b>8 At the end of subsection 46(3) 5</b> Add: 6 Note 2: Paragraph (d)—matters that the Minister might consider relevant may 7 include, for example, the terms of the bilateral agreement or State 8 policies or plans.</p>	<p><b>8 At the end of subsection 46(3) 5</b> Add: 6 Note 2: Paragraph (d)—matters that the Minister might consider relevant may 7 include, for example, the terms of the bilateral agreement or State 8 policies or plans.</p>
	<p><b>9 After section 48 10</b> Insert: 11 <b>48AA Agreement may apply, adopt or incorporate other 12 instruments 13</b> Despite section 46AA of the <i>Acts Interpretation Act 1901</i>, a 14 bilateral agreement may apply, adopt or incorporate (with or 15 without modifications) an instrument or other writing: 16 (a) as in force at a particular time; or 17</p>	<p><b>9 After section 48 10</b> Insert: 11 <b>48AA Agreement may apply, adopt or incorporate other 12 instruments 13</b> Despite section 46AA of the <i>Acts Interpretation Act 1901</i>, a 14 bilateral agreement may apply, adopt or incorporate (with or 15 without modifications) an instrument or other writing: 16 (a) as in force at a particular time; or 17 (b) as is in force or existing from time to time; 18</p>

	<p>(b) as is in force or existing from time to time; 18 even if the instrument or other writing does not yet exist when the 19 agreement is entered into.</p>	<p>even if the instrument or other writing does not yet exist when the 19 agreement is entered into.</p>
	<p><b>10 Application 21</b></p> <p>(1) The amendment made by item 1 of this Schedule applies to an action 22 that is approved in accordance with a management arrangement or 23 authorisation process that is a bilaterally accredited management 24 arrangement or a bilaterally accredited authorisation process for the 25 purposes of a bilateral agreement on or after the day this item 26 commences, regardless of when the agreement is entered into. 27</p> <p>(2) The note to subsection 46(1) of the <i>Environment Protection and 28 Biodiversity Conservation Act 1999</i>, inserted by item 1 of this Schedule, 29 applies to a management arrangement or authorisation process that is 30 accredited for the purposes of a bilateral agreement on or after the day 31 this item commences, even if an action was approved in accordance with the management arrangement or authorisation process before that 1 day. 2</p> <p>(3) The amendments made by items 2 to 8 of this Schedule apply to a 3 management arrangement or authorisation process that is accredited for 4 the purposes of subsection 46(2) or (2A) of the <i>Environment Protection 5 and Biodiversity Conservation Act 1999</i> under a bilateral agreement on 6 or after the day this item commences, regardless of when the agreement 7 was entered into. 8</p> <p>(4) The amendment made by item 9 of this Schedule applies to a bilateral 9 agreement entered into before, on or after the day this item commences.</p>	<p><b>10 Application 21</b></p> <p>(1) The amendment made by item 1 of this Schedule applies to an action 22 that is approved in accordance with a management arrangement or 23 authorisation process that is a bilaterally accredited management 24 arrangement or a bilaterally accredited authorisation process for the 25 purposes of a bilateral agreement on or after the day this item 26 commences, regardless of when the agreement is entered into. 27</p> <p>(2) The note to subsection 46(1) of the <i>Environment Protection and 28 Biodiversity Conservation Act 1999</i>, inserted by item 1 of this Schedule, 29 applies to a management arrangement or authorisation process that is 30 accredited for the purposes of a bilateral agreement on or after the day 31 this item commences, even if an action was approved in accordance with the management arrangement or authorisation process before that 1 day. 2</p> <p>(3) The amendments made by items 2 to 8 of this Schedule apply to a 3 management arrangement or authorisation process that is accredited for 4 the purposes of subsection 46(2) or (2A) of the <i>Environment Protection 5 and Biodiversity Conservation Act 1999</i> under a bilateral agreement on 6 or after the day this item commences, regardless of when the agreement 7 was entered into. 8</p> <p>(4) The amendment made by item 9 of this Schedule applies to a bilateral 9 agreement entered into before, on or after the day this item commences.</p>